

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

HOSPITALITY MANAGEMENT, INC.,

Plaintiff,

v.

**PREFERRED CONTRACTORS
INSURANCE COMPANY,**

Defendant.

Case No. 3:18-cv-452-YY

ORDER

Michael H. Simon, District Judge.

United States Magistrate Youlee Yim You issued Findings and Recommendation in this case on March 23, 2023. Judge You recommended that this Court grant in part Plaintiff's three motions for attorney's fees and first bill of costs and grant in full Plaintiff's second bill of costs. Objections were due April 6, 2023. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act],

intended to require a district judge to review a magistrate's report to which no objections are filed."); *United States. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge's findings and recommendations if objection is made, "but not otherwise"). Although review is not required in the absence of objections, the Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court review the magistrate judge's findings and recommendations for "clear error on the face of the record."

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge You's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge You's Findings and Recommendation, ECF 193. The Court GRANTS IN PART Plaintiff's (A) Motion for Award of Attorney Fees, ECF 110, awarding fees in the amount of \$334,646.75; (B) First Supplemental Motion for Attorney Fees, ECF 131, awarding fees in the amount of \$51,434.75; (C) Second Supplemental Motion for Attorney Fees, ECF 176, awarding fees in the amount of \$135,087.93; and (D) First Bill of Costs, ECF 113, awarding costs in the amount of \$11,586.01. The Court GRANTS Plaintiff's Second Bill of Costs, ECF 180, awarding costs in the amount of \$7,510.74. Accordingly, the Court awards attorney's fees totaling \$521,169.43 and costs totaling \$19,096.75.

IT IS SO ORDERED.

DATED this 7th day of April, 2023.

/s/ Michael H. Simon
 Michael H. Simon
 United States District Judge